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2006 JUL 11 P 12:14

U.S. DISTRICT COURT
DISTRICT OF MASS.

Ms. Zita Lovett
Court Clerk to the Honorable Joseph L. Tauro
United States District Court, District of Massachusetts
John J. Moakley U.S. Courthouse
1 Courthouse Way, Suite 2300
Boston, MA 02210

July 11, 2006

RE: John Pedicini v. United States of America, et al., C.A. No. 04-12395-JLT

Dear Ms. Lovett:

Due to the scheduling of computer training for my job during the week of July 17, 2006 to July 21, 2006, I will be out of state in Kansas City, Missouri.

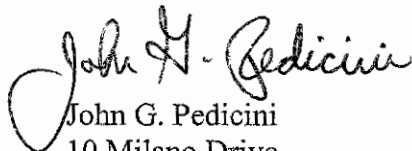
Since I am a plaintiff pro se, any hearing scheduled for that week will create a hardship for me.

I am hereby requesting any hearing not be scheduled during the week of July 17, 2006 to July 21, 2006.

Enclosed is an affidavit on this issue.

Thank you for your attention to this matter.

Sincerely,



John G. Pedicini
10 Milano Drive
Saugus, MA 01906
781-233-5274

Cc: Mr. Damian Wilmot, Esq.
Assistant U.S. Attorney
One Courthouse Way, Suite 9200
Boston, MA 02110

(Certified Mail
Return Receipt
Requested)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHN G. PEDICINI,

Plaintiff

-vs-

UNITED STATES OF AMERICA
UNITED STATES DEPARTMENT OF
AGRICULTURE,
ANN M. VENEMAN, SECRETARY,
AND LINDA SPRINGER¹,
DIRECTOR, UNITED STATES
OFFICE OF PERSONNEL
MANAGEMENT,
Defendants

CIVIL ACTION NO. 04-12395-JLT

AFFIDAVIT

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U.S. DISTRICT COURT
DISTRICT OF MASS.

Commonwealth of Massachusetts)
COUNTY OF SUFFOLK) SS.:

JOHN G. PEDICINI, being duly sworn, deposes and says:

1. I am the Plaintiff in the above-captioned case and I assert the following based on my personal observation and knowledge, I am over 18, and I am of sound mind and am mentally competent to testify to the matters contained in this affidavit.

2. I am the plaintiff, pro se, in the above-entitled case.

3. I am employed at the Northeast Regional Office of the Food and Nutrition Service, U.S. Department of Agriculture, 10 Causeway Street, Boston, MA.

4. I am scheduled for computer training in ACL software from July 17, 2006 to July 21, 2006.

5. The aforementioned training is required in my job and cannot be re-scheduled. I have been assigned to attend this training.

¹ Pursuant to Federal Rules of Civil Procedure 25 (d)(1), the new Director of the United States Office of Personnel Management, Linda Springer, is hereby substituted for Dan G. Blair as a defendant in this case.

6. My employer, the USDA, Food and Nutrition Service, has expended approximately \$6,000 for this training.

7. The training site is located in Kansas City, Missouri, and is being used as a national training center for the agency's other regional offices.

8. Since I am plaintiff pro se in this case, the scheduling of any hearing during the week of July 17, 2006 to July 21, 2006 would create a hardship for me.

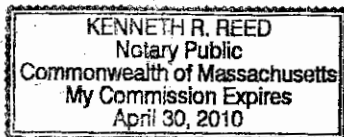
9. I am hereby requesting that any hearing in the above-entitled case be scheduled during any week other than the week of July 17, 2006 to July 21, 2006.

Dated: 7/11/06

John G. Pedicini
John G. Pedicini, Plaintiff Pro Se

Sworn to me on this 11th day of July, 2006.

Kenneth R. Reed
Notary Public



CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2006, I sent a copy of the foregoing affidavit to the Defendants, via certified mail, return receipt requested, to Damian Wilmot, Esq., Assistant U.S. Attorney, One Courthouse Way, Suite 9200, Boston, MA 02110.


John G. Pedicino, Plaintiff Pro Se